Attorney's Docket No.: 07039-294001



## COMBINED DECLARATION AND POWER OF ATTORNEY

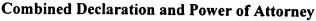
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As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name

| ر   | estaches, post office address  | s and entizensing are a                    | is stated below flext to my                                       | name.            |            |  |  |  |
|---|--|--|---|------------------|------------|--|--|--|
| joint inventor<br>sought on the   | lieve I am the original, first a<br>(if plural names are listed b<br>invention entitled GENE EX<br>IFIC PROMOTOR, the spec | elow) of the subject m<br>KPRESSION BY POS | natter which is claimed and                                       | for which a pa   | atent is   |  |  |  |
| []<br>[X]<br>[]   | is attached hereto. was filed on November 22 was described and claimed and as  | in PCT International                       | Serial No. <u>09/721,391</u> .<br>Application No<br>Article 19 on | filed            | i on       |  |  |  |
| I her including the   | eby state that I have reviewe<br>claims, as amended by any a   | d and understand the mendment referred to  | contents of the above-iden above.                                 | tified specifica | tion,      |  |  |  |
| I ack<br>Title 37, Code   | nowledge the duty to disclose of Federal Regulations, §1.  | e all information I kn<br>56.              | ow to be material to patent                                       | ability in accor | dance with |  |  |  |
| I her<br>application(s)   | eby claim the benefit under T<br>listed below:   | Fitle 35, United States                    | Code, §119(e)(1) of any I   | Jnited States p  | rovisional |  |  |  |
|   | U.S. Serial No.  | Filing Date                                | •   | Status           |            |  |  |  |
| 60/16   | 7,085  | November 23, 1999                          |   | Status           |            |  |  |  |
| I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information I know to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application: |  |  |   |                  |            |  |  |  |
|   | U.S. Serial No.  | Filing Date                                |   | Status           |            |  |  |  |
| I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:                        |  |  |   |                  |            |  |  |  |
| Counti  | Application  | /11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1    | Filing Date   | Priority [] Yes  | [] No      |  |  |  |
|   |  |  |   | [] Yes           | [] No      |  |  |  |
|   |  |  |   |                  |            |  |  |  |

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hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

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